

S/N 09/227,593

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael E. Besse et al.

Examiner: Cepha D. Toomer

Serial No.: 09/227,593

Group Art Unit: 1721

Filed: January 8, 1999

Docket: 730.010US1

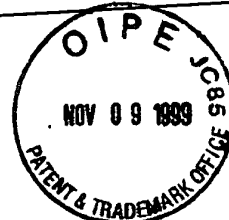
Title:

ANTIMICROBIAL, BEVERAGE COMPATIBLE CONVEYOR LUBRICANT

#9
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PC

TERMINAL DISCLAIMER

Assistant Commissioner for Patents
Washington, D.C. 20231



I, Mark A. Litman, am the attorney of record for the above identified patent application as evidenced by the Power of Attorney filed in the present application on January 8, 1999. I am making this petition on behalf of ECOLAB INC., the assignee of the present invention. As the attorney of record, I am empowered to act on behalf of the assignee and, in accordance with 37 C.F.R. § 1.321(b)(iv), to sign this terminal disclaimer.

Certificate Under 37 C.F.R. §3.73(b)

Your petitioner, ECOLAB INC., certifies that they are the owner of the entire right, title and interest in and to the above-identified patent application, Serial No. 09/227,593 (which is a continuation-in-part of Serial No. 09/002,976, filed January 8, 1999), and to co-pending U.S. Serial No. 09/231,255. Your petitioner owns the entire right, title, and interest of these applications by nature of the assignments executed and filed for both of these applications.

An assignment for the parent (SN 09/002,976) of the present application (SN 09/227,593) was recorded with the United States Patent and Trademark Office on January 5, 1998, at Reel/Frames 8993/0781-84.

An assignment for co-pending U.S. Serial No. 09/231,255 was recorded with the United States Patent and Trademark Office on January 15, 1999, at Reel/Frame 9709/0216.

The undersigned representative of the assignee has reviewed the evidentiary documents of title and certifies that to the best of assignee's knowledge and belief, title is in the assignee, ECOLAB INC., seeking to take the action set forth in this disclaimer.

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Terminal Disclaimer

Your petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified patent application, which would extend beyond the expiration date of the full statutory term, as presently shortened by any terminal disclaimers, of any patent which may issue from U.S. Serial No. 09/231,255. Petitioner hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to any patent which may issue from U.S. Serial No. 09/231,255 and the legal title of the above-identified application and any patent granted thereon remain common, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors and assigns.

Limitations on the Disclaimer

Your petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of any patent which may be granted on U.S. Serial No. 09/231,255 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration date of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title as stated hereinabove. Your petitioner does not disclaim any terminal part of any patent granted on the above-identified application if no patent issues from U.S. Serial No. 09/231,255.

Fee Status

A check in the amount of \$110.00, which is required under 37 C.F.R. §1.20(d) to file a statutory disclaimer, is enclosed herewith. The Commissioner of Patents and Trademarks is

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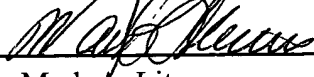
hereby authorized to charge any additional fees or credit overpayment to Deposit Account No.
19-0743.

Respectfully submitted,

MICHAEL E. BESSE ET AL.

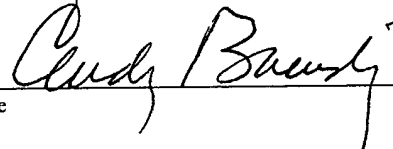
By their Representatives,

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P.O. Box 2938
Minneapolis, MN 55402
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Date 5 November 1999 By 
Mark A. Litman
Reg. No. 26,390

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner of Patents, Washington, D.C. 20231 on November 5, 1999.

CANDY BUISNDING
Name


Signature